

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

476TH REGULAR BOARD MEETING

Minutes

Board Meeting Date: Thursday, August 5, 2004
Meeting Location: The Metropolitan Water District, Board Room
700 North Alameda Street
Los Angeles, CA

Call to Order

Chair Diamond called the meeting to order at 9:34 a.m.

[Note: Chair Diamond asked that the Executive Officer's Report be given first, due to the lack of a quorum.]

Executive Officer's Report

Report given by Jonathan Bishop, Acting Executive Officer, and posted on the Board's website: www.swrcb.ca.gov/rwqcb4/html/eo_reports/eo_reports.html.

[Note: Quorum attained at 9:46 a.m.]

Roll Call

Members Present: Susan Cloke (Vice Chair), Francine Diamond (Chair),
Keith McDonald, Bradley Mindlin and David Nahai
Members Absent: Julie Buckner-Levy and Timothy Shaheen

Order of Agenda

The order of the agenda was modified as follows: 3, 7, 4, 6, 20, 21, 19, 28 and 29.

Approval of Minutes

Approval of the minutes for the July 1, 2004 Regular Meeting postponed.

Uncontested Items

Motion: That the following agenda items be called uncontested items and
approved: 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 17.1, 17.2, 17.3, 17.4, 18,
18.1 and 18.2

First: Diamond

Second: McDonald

Support: Cloke, Diamond, McDonald, Mindlin and Nahai

Oppose: None

Abstain: None

Board Member Communications

Diamond: Met with City of Malibu representatives to discuss water quality issues; At a Northeast Malibu Watershed Council Meeting, provided a summary report on the recent Malibu Water Quality Conference; During a Los Angeles City Council Meeting provided testimony in support of the City's proposed clean water bond.

Public Forum

No speaker cards submitted.

Other Action Items

Memorandum of Understanding

20. Consideration of a Tentative Resolution Approving a Memorandum of Understanding with the County of Los Angeles and Waivers of Waste Discharge Requirements for Residential On-Site Wastewater Treatment Systems.

Public Hearing Opened and Oath Administered

Staff Report: Paula Rasmussen, assisted by Jenny Newman

Public Comment

- Mark Pestrella, Department of Public Works, County of Los Angeles
- Andrew Sheldon, Topanga Association for a Scenic Community
- Dr. Shelley Luce, Science and Policy Director, Heal the Bay
- Rabyn Blake, Chair, Topanga Canyon Creekside Homeowners Assn.

Board Discussion Topics

- Reason for two-step (5-year and 10-year) process to inventory on-site wastewater treatment systems; Content and frequency of inventory reports; Status of statewide guidelines; Right to terminate the MOU with or without cause; Right to appeal any termination; AB 885 as cause for MOU termination; Role of template with modeling or negotiating MOUs with other jurisdictions; Absence of specificity with regards to terms (e.g., "special attention" and "adjacent"); Concern about the template MOU limiting the Board options should AB 885 guidelines not be in place by 2005; When inventorying will commence; Desire to have an inventory completed, even if MOU is terminated; Potential number of systems in high risk categories; Reasonableness of proposed time frames for completion of tasks, notably system inventory; Implementation schedule once AB 885 guidelines are set; Factors slowing the inventorying of systems; Prioritizing inventorying of systems adjacent to 303(d) listed waterbodies; and Requiring an annual public meeting to review status of inventory.

Motion: Adopt staff's proposed template MOU and WDRs with the following provisions:

- That the County's inventory process, as mandated by the document, would survive any termination or expiration of the MOU.

- That the termination rights be symmetrical and equal; that both the County and Board have the right to terminate the MOU without cause

First: Nahai

Second: McDonald

Support: Cloke, Diamond, McDonald, Mindlin and Nahai

Oppose:

Abstain: None

21. Consideration of a Tentative Resolution Approving a Memorandum of Understanding with the City of Malibu and Waivers of Waste Discharge Requirements for Residential and Certain De Minimis Commercial On-Site Wastewater Treatment Systems

Public Hearing Opened and Oath Administered

Staff Report: Paula Rasmussen, assisted by Jenny Newman

Public Comment:

- Craig George, Environmental Building and Safety, City of Malibu, assisted by Bruce Douglas, Questa Engineering
- Dr. Shelley Luce, Science and Policy Director, Heal the Bay

Board Discussion Topics:

- Clarify meaning of “six month travel time zone”; Status of Board and municipal reviews and approvals; Criteria and process for selecting either denitrification or disinfection; Review of reporting requirements; Relationship of the nitrogen TMDL to the selection of either denitrification or disinfection; Authority of the Board and/or Executive Officer to modify the MOU and select either denitrification or disinfection; and Specific regulations for commercial properties.

Motion: Adopt the tentative Resolution and WDRs with the changes specified in the changes on the change sheet or listed below:

- Page 21-5: extending the period of time for the City Council to adopt the tentative MOU from 30 to 45 days
- Page 21-8, Section 5(3): add to the end of the sentence “unless extended by the Executive Officer”.
- Page 21-10, Paragraph 1, third line: delete the words “an/or denitrification and add the following text: “In addition, denitrification shall be required as indicated by applicable TMDLs for Malibu Creek and Lagoon when adopted.”
- Page 21-12 (8): Delete the very last sentence of the first paragraph (re: MOU termination without cause)

First: Diamond, with friendly amendments by Nahai and accepted by Diamond

Second: McDonald

Support: Cloke, Diamond, McDonald, Mindlin and Nahai

Oppose: None

Abstain: None

Administrative Civil Liability—Panel Hearing Recommendations

Opening Statement Read

- 19.B Hearing on Complaint No. R4-2004-0015 (Desert Express)
Additional Testimony: None
Board Deliberation: None
Motion: Approve and adopt the Panel Hearing report and recommendation, as amended, imposing Administrative Civil Liability in the amount of \$2,760.
First: Nahai
Second: Mindlin
Support: Cloke, Diamond, McDonald, Mindlin and Nahai
Oppose: None
Abstain: None
- 19.C Hearing on Complaint No. R4-2004-0037 (Truck Parts Company)
Additional Testimony: None
Board Deliberation: None
Motion: Approve and adopt the Panel Hearing report and recommendation imposing Administrative Civil Liability in the amount of \$6,750
First: Nahai
Second: Mindlin
Support: Cloke, Diamond, McDonald, Mindlin and Nahai
Oppose: None
Abstain: None
- 19.D Hearing on Complaint No. R4-2004-0016 (Ace Auto & Truck Recycling)
Additional Testimony: None
Board Deliberation: None
Motion: Approve and adopt the Panel Hearing report and recommendation imposing Administrative Civil Liability in the amount of \$3,250.
First: Nahai
Second: Mindlin
Support: Cloke, Diamond, McDonald, Mindlin and Nahai
Oppose: None
Abstain: None
- 19.E Hearing on Complaint No. R4-2004-0027 (Artisan Bronze)
Additional Testimony: None
Board Deliberation:
▪ Type and ownership of business; Who is named in the Complaint.
Motion: Approve and adopt the Panel Hearing report and recommendation imposing Administrative Civil Liability in the amount of \$2,750, payable in installments.
First: Nahai

Second: Mindlin
Support: Cloke, Diamond, McDonald, Mindlin and Nahai
Oppose: None
Abstain: None

- 19.F. Hearing on Complaint No. R4-2004-0028 (California Public Recycling)
Additional Testimony: None
Board Deliberation
▪ Who is named in the Complaint.
Motion: Approve and adopt the Panel Hearing report and recommendation, imposing Administrative Civil Liability in the amount of \$3,250.
First: Nahai
Second: Mindlin
Support: Cloke, Diamond, McDonald, Mindlin and Nahai
Oppose: None
Abstain: None
- 19.G Hearing on Complaint No. R4-2004-0021 (FG Auto Sales & Dismantling)
Additional Testimony: None
Board Deliberation
▪ Who is named in the Complaint.
Motion: Approve and adopt the Panel Hearing report and recommendation, as amended, imposing Administrative Civil Liability in the amount of \$2,900.
First: Nahai
Second: Mindlin
Support: Cloke, Diamond, McDonald, Mindlin and Nahai
Oppose: None
Abstain: None
- 19.A Hearing on Complaint No. R4-2004-0013 (Gollo's Auto Dismantler, Inc.)
Additional Testimony:
▪ Ramsey Hernandez, Employee, Gollo's Auto Dismantler, Inc.
▪ Gregorio Velasques, Owner, Gollo's Auto Dismantler, Inc.
Board Deliberation:
▪ Role of Mr. Hernandez in today's proceedings; Authority to represent Mr. Velasques; Admissibility of addition material; Reasons Mr. Velasques did not appear at the Panel Hearing; Receipt of hearing notification; Verification of travel; Minimum mandatory penalty; CWC penalty requirements; Methodology followed to determine avoided cost figures.
Chair rules that additional material be excluded from the hearing record.
Motion: Approve and adopt the Panel Hearing report and recommendation, as amended, imposing Administrative Civil Liability in the amount of \$7,370.

First: Nahai
Second: Mindlin
Support: Cloke, Diamond, McDonald, Mindlin and Nahai
Oppose: None
Abstain: None

Closed Session

Board did not enter into Closed Session.

Adjournment

Motion: To adjourn the August 2004 Regular Meeting.
First: Diamond
Second: Mindlin
Support: Cloke, Diamond, McDonald, Mindlin and Nahai
(Meeting Adjourned at 12:02pm.)